

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Chrupczak, et al.)	Case No. 08 C 1404
)	
Plaintiffs,)	Judge Leinenweber
)	
v.)	
)	
Aurora Loan Services, Lehman Brothers)	
Bank, FSB, Elite Financial Investments, Inc.,)	
Alan Walsh, Lukasz Ciura, and Lawyers)	
Title Insurance Company)	
)	
Defendants.)	

Plaintiffs' Motion for Extension of Time to Make Service on Defendants Lehman
Brothers Bank, FSB, Elite Financial Investments, Inc., Alan Walsh and Lukasz Ciura
Pursuant to FRCP 4(m)

NOW COME Stanislaw and Elzibeta Chrupczak (collectively, "Plaintiffs") and move this honorable court for an extension of time to serve Defendants Lehman Brothers Bank, FSB ("Lehman"), Elite Financial Investments, Inc. ("EFI"), Alan Walsh ("Walsh") and Lukasz Ciura ("Ciura") as follows:

I. Background

Plaintiffs filed their Complaint in the Circuit Court of Cook County on February 7, 2008. Defendant Aurora Loan Services ("Aurora") filed a motion to transfer this matter to the U.S. District Court for the N.D. of Illinois; federal causes of action are alleged against each defendant. Aurora's motion was granted and this case was transferred on March 10, 2008.

On or about May 25, 2008, Plaintiffs sent requests for waivers of service, along with all other necessary documents for the remaining defendants to waive service, to all other defendants. As of this date only defendant Lawyer's Title Insurance Company has

waived service and has filed an appearance, in addition to defendant Aurora. Plaintiffs have until July 8, 2008 to serve the un-served defendants.

II. Argument.

FRCP 4(m) and case law indicate that if a Plaintiff shows good cause for not making service on a Defendant within 120 days after the complaint is filed or transferred to federal court, the court may extend the time for service for an appropriate period.

Within the 120 days following the date this case was transferred to federal court, counsel for Plaintiffs served requests for waivers of service and all other necessary documents for waiver to each un-served defendant. At this late stage in the 120 day period since the case was transferred to federal court, Plaintiffs await responses from Lehman, EFI, Walsh and Ciura as to whether they will waive service. If they elect not to waive service, Plaintiffs must undertake the effort and expense of effectuating traditional service upon them, which would not be until after July 8, 2008, 120 days since the transfer of the case to federal court.

Plaintiffs have acted diligently at all times and do not bring this motion for purposes of delay or dilatory motive. None of the parties would be prejudiced by an order granting Plaintiffs' instant motion and judicial resources would be preserved by an order granting the motion; an order denying the instant motion and dismissing Defendants Lehman, EFI, Walsh and Ciura would be without prejudice and Plaintiffs would have no choice but to file a new cause of action against them, further exhausting judicial resources.

WHEREFORE, Plaintiffs request that this honorable court grant them additional time, up to and including August 31, 2008, to make service on Defendants Lehman, EFI, Walsh and Ciura.

Dated: June 22, 2008

Respectfully submitted,

/s/ Amir Mohabbat

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